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DOJ FOR OIA/BRUCE SWARTZ

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TAGS: [KJUS](#) [PTER](#) [PREL](#) [PGOV](#) [GM](#)
SUBJECT: SCENESETTER: AG GONZALES MEETING WITH INTERIOR
MINISTER SCHAEUBLE

REF: BERLIN 987

Classified By: Charge d'Affaires John A. Cloud, for Reasons 1.4 (b) and
(d)

¶1. (C) Summary. Interior Minister Schaeuble, a loyal ally in the war on terror, looks forward to discussing ongoing as well as additional cooperation with the U.S. Our work to date, as with his predecessor, in fighting terrorists and international criminal groups, while excellent, is sometimes limited or hampered by our differing legal systems. Key cases in this regard: Germany sought your intervention in the Moussaoui case and German officials are embarrassed that Mohammed Atta's accomplice Motassadeq is out on bail in Hamburg while awaiting his appeal. Given Schaeuble's counterterrorism convictions, he may be able to break a logjam and find new ways to work more closely with the U.S., for example, in fingerprint sharing. Like Justice Minister Zypries in her May 17 meeting with you, he may raise sensitive cases. As you are aware, Chancellor Merkel is meeting with the President May 3 and may/may raise concerns about specific cases as well. End Summary.

Schaeuble on Counterterrorism

¶2. (C) Schaeuble (like Chancellor Merkel, a Christian Democrat) remains out in front of Justice Minister Zypries (and her Social Democrats) in urging more aggressive German counterterrorism actions.

- After the Constitutional Court ruled that the German military may not shoot down hijacked airliners, Schaeuble called for a new law to make it possible, which Zypries opposes.

- Schaeuble called for preventive detention to prevent terrorist attacks, a concept which Zypries opposes.

- He successfully lobbied for a limited role for the German military to help support security requirements for the Soccer World Cup; she opposed a military role.

- Schaeuble supported interrogations to prevent terrorism; Zypries spoke out against torture and "treatment that violates the dignity of a person" and regretted that German officials had questioned an individual in Guantanamo Bay.

Schaeuble has directed his ministry to build upon former Minister Schily's proposal for a third post-9/11 package of law changes to further strengthen Germany's counterterrorism regime. Ministry staff tell us it may include key elements the U.S. has sought, including expanded powers for German law

enforcement and better and more integrated databases. Schaeuble has also sought immigration reforms to promote integration and make easier the deportation of extremists.

¶3. (C) Schaeuble needs to deal with political sniping from opposition parties regarding the previous SPD/Green government of Gerhard Schroeder and allegations of U.S. rendition activities as well as press articles on intelligence cooperation in the run-up to the war with Iraq.

Eager for USG Interaction

¶4. (C) Schaeuble, a devoted and long-standing trans-Atlanticist, sought meetings with U.S. counterparts upon assuming office to demonstrate strong counterterrorism cooperation and was disappointed you had to cancel your January visit. Schaeuble travels with difficulty because he is confined to a wheelchair after an assassination attempt in October 1990, nine days after reunification, by a mentally unstable person. Nonetheless he had told his staff that if other priorities prevent your and Secretary Chertoff's travel to Berlin, he will go to Washington.

U.S. Priorities

¶5. (C) The Legal Attache presented the Interior Ministry months ago with a proposal to share as many as four categories of fingerprint data: criminals convicted, individuals under investigation, individuals suspected of having committed a crime, and those on the German list of individuals posing a threat (Gefaehrderliste). Aside from its merits outright, this proposal forms a part of Homeland Security Presidential Directive Six (HSPD-6). Schaeuble may

be concerned about precedents and German and EU privacy law. You should tell him we are prepared to be flexible and remind him that as he has said publicly himself the fight against terrorism requires us to share information about common threats. This applies to fingerprints as well as more general data sharing, which we have also sought to expand. Germany needs to find a way to make increased fingerprint sharing possible.

Schaeuble Bilateral Priorities

¶6. (C) Schaeuble's staff say the topics he may raise include the Moussaoui sentencing (and possible aftermath/backlash), which you discussed with Justice Minister Zypries, and the case of 9/11 co-conspirator Mounir el-Motassadeq. The German Constitutional Court ordered Motassadeq released February 7 pending the appeal of his August 2005 conviction and sentence to seven years' imprisonment for membership in a terrorist organization. The Constitutional Court's ruling did not address the merits of Motassadeq's appeal, a ruling on which is expected in summer 2006. A central issue in the Motassadeq case was the unavailability of witnesses, including Khaled Sheik Mohammed, who the defense stated might have potentially exculpatory information and whom the court assumed were in U.S. custody. Schaeuble may also raise fingerprint sharing.

Sensitive Cases

¶7. (S) The German Bundestag established April 7, after months of media and political speculation, an investigatory committee to look into German intelligence service activities in Iraq, alleged rendition flights, and the alleged detention of German citizens. These issues remain sensitive throughout the German political spectrum. Schaeuble himself stated publicly late March that the U.S. would "soon" release German resident / Turkish national Murat Kurnaz from Guantanamo. He might also raise German citizen Khaled el Masri and Germany's pending request for legal assistance. El Masri filed a civil suit in the United States. Germany also sought information

in 2005 about the alleged rendition, reported in the German press, of Egyptian citizen Abu Omar from Italy via the U.S. Air Base at Ramstein in Germany.

Other Schaeuble Priorities / World Cup

18. (C) Schaeuble's Ministry, responsible for security as well as sport, is in final preparation for the 9 June - 9 July Soccer World Cup: 12 venues, 32 teams, 64 matches, 3 million fans. Germany is cooperating with numerous countries, including the U.S., to provide security: U.S. agencies including the FBI will provide liaison officers and the Terrorist Screening Center has negotiated a way for Germany to use a subset (non-U.S. citizens) of the terrorist screening database to screen those issued credentials.

19. (U) Schaeuble is currently (April 28) embroiled in a controversy over remarks he made following the recent beating of a German-Ethiopian by apparent right-wing extremists. Schaeuble was accused of being insensitive to the plight of the victim, who is still in a coma, when he said that "blue-eyed, blond-haired people" were also the victims of attacks. Schaeuble has since apologized for the tone of his remarks.
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